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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,583	09/21/2001	David N. Brotherston	COF-0041	9398
7590	11/03/2006		EXAMINER	AKINTOLA, OLABODE
ATTEN: BRIAN FURRER ONDA TECHNO INTL. PATENT ATTYS. 12-1, OMIYA-CHO 2-CHOME GIFU-CITY, 500-8731 JAPAN			ART UNIT	PAPER NUMBER
3691				
DATE MAILED: 11/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,583	BROTHERSTON, DAVID N.	
	Examiner	Art Unit	
	Olabode Akintola	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 September 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/23/01; 1/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 6-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Pentel (USPN 5969968).

Re claims 1-2, 6-7 and 10: Pentel teaches a system for fulfilling services orders onboard a transport vehicle, the system comprising: (a) a plurality of computers that include an onboard computer transported with the vehicle, and an external computer not transported with the vehicle; (b) software installed on the onboard computer, the onboard computer software being operable on the onboard computer for causing the onboard computer to perform tasks including: i) obtaining service information from the external computer via communication with the external vehicle computer if a communication pathway to the external vehicle computer is open; and ii) providing access to service information by vehicle personnel for fulfillment of the service orders; and (c) software installed on the external computer, the external computer software being operable on the external vehicle computer for causing the external computer to perform tasks

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including: i) acquiring information to determine the available services provided on the transport vehicle; and ii) managing the delivery of services to the transport vehicle; and iii) making service information obtainable by the onboard computer (col. 1, lines 47-col. 2, lines 38; Figs 1 and 2).

Re claims 8: Pentel teaches the step wherein the electronic devices include passenger supplied personal information processing apparatus carried on by passengers (col. 3, lines 54-55).

Re claims 9 and 11: Pentel teaches the step wherein the connections comprise wireless communication between the electronic devices and the onboard computer (col. 37-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel in view of Kurland et al (USPN 4553222) (Kurland).

Re claims 3-4: Pentel does not explicitly teach the step wherein the logic routines associate a seat location with each service order; accepting service orders prior to boarding and associates each service order with a vehicle departure and makes the information obtainable by the onboard computer. Kurland teaches teach the step wherein the logic routines associate a seat location with each service order (Col. 8, lines 16-45); accepting service orders prior to boarding and associates each service order with a vehicle departure and makes the information obtainable by the onboard computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this step in Pentel. One would have been motivated to do this in order to direct services to appropriate seat.

Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel in view of Ogasawara (USPN 6123259).

Re claim 5: Pentel does not explicitly teach the step wherein the external computer software is further operable on the external computer for analyzing at least one of historical service order information and currently entered service order information, and based on the analysis recommends vehicle inventory, and associates each current service order with a vehicle departure and makes the information obtainable by the onboard computer. Ogasawara teaches the step wherein the external computer software is further operable on the external computer for

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analyzing at least one of historical service order information and currently entered service order information, and based on the analysis recommends vehicle inventory, and associates each current service order with a vehicle departure and makes the information obtainable by the onboard computer (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to include this step in Pentel. One would have been motivated to do this in order to recommend replenishment item list.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel in view of Berry et al (USPN 5311302) (Berry).

Re claims 12 and 13: Pentel does not explicitly teach the step wherein the handheld or onboard computers include hardware and software enabling reading of cards for facilitation of onboard cash-less transactions. Berry teaches the step wherein the handheld or onboard computers include hardware and software enabling reading of cards for facilitation of onboard cash-less transactions (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to include this step in Pentel. One would have been motivated to do this in order to allow flexible form of payment.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel of Berry and further in view of Kurland.

Re claim 14: See claim 4 analysis, supra.

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Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel in view of Berry and further in view of Lunberg et al (EP 0890907A1).

Re claim 15: Pentel does not explicitly teach the step wherein if a service order includes a request for Internet access, the onboard computer provides Internet access to a connection at a passenger seat location corresponding to the service order, by making use of said communication route. Lunberg teaches teach the step wherein if a service order includes a request for Internet access, the onboard computer provides Internet access to a connection at a passenger seat location corresponding to the service order, by making use of said communication route. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pentel to include this step. One would have been motivated to do this in order to provide internet access to passengers while onboard.

Claims 16-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel in view of Kurland and further in view of Ehret et al (USPN 5006985) (Ehret).

Re claims 16 and 17: Pentel and Kurland teaches the limitations of claims 16 and 17 except the step of accessing database information pertaining to vehicle departure and destination. Ehret teaches the step of accessing database information pertaining to vehicle departure and destination (col. 35, lines 8-11). It would have been obvious to one of ordinary skill in the art at

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the time of the invention to modify Pentel to include this step. One would have been motivated to do this in order to access passenger itinerary.

Re claims 18 and 19: Pentel does not explicitly teach the step wherein the other computers include kiosks at terminal areas and computer connected to the Internet. Official notice is hereby taken that it is old and well known to have kiosks at terminal areas and computers connected to the Internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pentel to include these features in order to make the computers more accessible and with Internet connectivity.

Re claim 20: See claim 4 analysis, supra.

Re claims 22 and 24: See claim 1 analysis, supra.

Re claim 23: See claims 2 and 6 analyses, supra.

Claims 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel in view of Kurland and further in view of Ehret and further in view of Ogasawara.

Re claim 21: See claim 5 analysis, supra 21.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jerome (USPN 6177887) teaches a multi-passenger vehicle and entertainment system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

HANI M. KAZIMI
PRIMARY EXAMINER

